

1 ROBERT E. COOPER, SBN 35888
2 PETER SULLIVAN, SBN 101428
3 SAMUEL G. LIVERSIDGE, SBN 180578
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071-3197
Telephone: (213) 229-7000
Facsimile: (213) 229-7520
email: sliversidge@gibsondunn.com

E-filed 5/1/06

6 MICHAEL J. HOLSTON*
7 JOHN F. SCHULTZ*
ROBERT A. PARTICELLI*
MORGAN LEWIS & BOCKIUS LLP
8 1701 Market Street
Philadelphia, Pennsylvania 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001

10 Attorneys for Defendant,
11 HEWLETT-PACKARD COMPANY

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

16 In re: HP INKJET PRINTER LITIGATION

MASTER FILE NO. CO53580 JF

17
18 This Document Relates To:

20 All Actions

21
22
23
24
25
26
27
28
**STIPULATION TO: (1) ESTABLISH A
BRIEFING SCHEDULE AND HEARING
DATE FOR DEFENDANT HEWLETT-
PACKARD COMPANY'S MOTION TO
DISMISS PLAINTIFFS' SECOND
CONSOLIDATED AND AMENDED
COMPLAINT, AND (2) EXTEND THE
TIME FOR THE PARTIES TO
COMPLETE NON-BINDING MEDIATION
PURSUANT TO CIVIL L.R. 16-8 AND
ADR L.R. 3-5**

1 WHEREAS, plaintiffs filed and served a Second Consolidated and Amended Class Action
2 Complaint for Damages and Injunctive Relief ("Second Amended Complaint") on March 31, 2006;

3 WHEREAS, defendant Hewlett-Packard Company ("HP") intends to file a Motion to Dismiss
4 plaintiffs' Second Amended Complaint;

5 WHEREAS, the parties have agreed on a briefing schedule and hearing date for HP's Motion
6 to Dismiss plaintiffs' Second Amended Complaint;

7 WHEREAS, on January 13, 2006, pursuant to the stipulation of the parties under Civil L.R.
8 16-8 and ADR L.R. 3-5, this Court entered an Order requiring the parties to complete non-binding
9 mediation in this matter within ninety (90) days of the Court's Order;

10 WHEREAS, the parties initially scheduled a mediation session for March 22, 2006, pursuant
11 to the Court's Order;

12 WHEREAS, plaintiffs subsequently indicated that they would prefer to postpone the
13 mediation until they have had the opportunity to obtain and review additional production documents
14 from HP;

15 WHEREAS, plaintiffs believe that they will be in a better position to move forward with
16 meaningful and informed settlement discussions in this matter if they first have the opportunity to
17 obtain and review additional production documents from HP.

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
19 undersigned counsel that:

20 1. HP's Motion to Dismiss plaintiffs' Second Amended Complaint shall be filed and served
21 on or before April 21, 2006;

22 2. Plaintiffs' brief in opposition to HP's Motion to Dismiss shall be filed and served on or
23 before May 12, 2006;

24 3. HP's reply brief shall be filed on or before May 22, 2006;

25 4. The hearing on HP's Motion to Dismiss shall take place on June 2, 2006, at 9:00 a.m., or as
26 soon thereafter as the matter may be heard by the Court; and

27 ///

28 ///

5. The parties agree to participate in private non-binding mediation to be conducted through JAMS within one hundred twenty (120) days of the date of the attached [proposed] Order.

IT IS SO STIPULATED.

DATED: April 17, 2006

GIBSON, DUNN & CRUTCHER LLP

10

Samuel G. Liversidge

Attorneys for HEWLETT-PACKARD COMPANY

DATED: April 17, 2006

COTCHETT, PITRE, SIMON & McCARTHY

B-12

Esther Klijn for

Bruce Simon

Co-Lead Counsel For Plaintiffs and the Class

1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulation above, it is hereby ORDERED that:

- 3 1. HP's Motion to Dismiss plaintiffs' Second Amended Complaint shall be filed and served
4 on or before April 21, 2006;
- 5 2. Plaintiffs' brief in opposition to HP's Motion to Dismiss shall be filed and served on or
6 before May 12, 2006;
- 7 3. HP's reply brief shall be filed on or before May 22, 2006;
- 8 4. The hearing on HP's Motion to Dismiss shall take place on June 2, 2006, at 9:00 a.m.; and
- 9 5. The parties shall participate in private non-binding mediation to be conducted through
10 JAMS within one hundred twenty (120) days of the date of this Order

11 **IT IS SO ORDERED.**

12
13 DATED: 4/27/06.



The signature is handwritten in blue ink and appears to read "JEREMY FOGEL". It is positioned above a horizontal line.

14
15 THE HONORABLE JEREMY FOGEL
16 UNITED STATES DISTRICT JUDGE

17
18 30389176_1 (2).DOC

19
20
21
22
23
24
25
26
27
28